

216

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14440 of 2024
Date of Decision: 01.04.2024

Sahil

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Lalit Kumar Narang, Advocate
for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail to the petitioner in FIR No.0386, dated 17.09.2023, under Section 379-A read with Section 34 of the IPC, 1860 (Section 201 IPC added later on), registered at Police Station Sampla, District Rohtak.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present petition. It is contended that the recovery whatsoever has been planted upon the petitioner as initially the FIR was registered against the unknown person.

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He prays for dismissal of the present petition stating that the petitioner has actively participated in commissioning of offence and is a habitual offender who is involved in one another case under IPC.

Be that as it may, considering the custody period undergone by the petitioner i.e. 04 months and 09 days as of now, added with the fact that after framing of charges on 02.03.2024, out of total 12 prosecution witnesses, none has been examined so far which is suffice for this Court to infer that the conclusion of trial shall take considerable time, this Court is of the view that no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as “**Baljinder Singh alias Rock vs. State of Punjab**” decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases.

In view of the above, petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition is, hereby, allowed.

However, it is made clear that any observation made hereinabove, shall not be construed as an expression of opinion on the merits of the case.

01.04.2024

D.Bansal

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No